

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RHIANNON NICOLE TAGERT,

Plaintiff,

vs.

**ANAKEESTA, LLC, and
SAFE-STRAP COMPANY, INC.,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)

**Civil Action No.
JURY DEMAND**

COMPLAINT

1. Jurisdiction of this court is founded upon the diversity of citizenship of the parties and the amount in controversy which exclusive of interest and costs exceeds the sum of Seventy-Five Thousand and No/100 Dollars (\$75,000.00) under 28 U.S.C. § 1332, et seq.

2. The plaintiff is a citizen and resident of the state of Louisiana. Defendant Anakeesta, LLC is a limited liability company in the state of Tennessee and operates the Anakeesta Mountain Coaster in Gatlinburg, Tennessee within the Eastern District of Tennessee.

3. Defendant Safe-Strap Company, Inc. is a foreign corporation located at 13830 Jetport Commerce Parkway, Suite 2; Fort Myers, FL 33913-7726.

FACTS

4. Plaintiff alleges that on October 6, 2018, she was on vacation in the city of Gatlinburg, Tennessee and was visiting the Anakeesta Theme Park to view the sites. She then purchased a ticket to ride the Anakeesta Mountain Coaster back down the mountain.

5. Anakeesta provided the plaintiff with a chair lift to ride up to the top of the mountain and then offered the option of a ride down on what is known as the Mountain Coaster, which consists of a single seated coaster on a single rail.

6. The plaintiff elected to ride the Mountain Coaster down and was placed on the seat of the Mountain Coaster when an attendant of defendant Anakeesta secured her on the seat by strapping her in with a seatbelt provided on the runner. The belt was locked into place.

7. Plaintiff alleges that the seatbelt on the Mountain Coaster had been purchased by and supplied to Anakeesta by defendant Safe-Strap Company, Inc. for the purpose of securing the passengers on the Mountain Coaster for a safe ride down the mountain.

8. After purchasing her ticket and being seated on the Mountain Coaster, she started down the mountain gaining speed, at which point, in a curve to the right, the seatbelt came loose allowing her to be thrown off the Mountain Coaster onto the side of the mountain resulting in the personal injuries and damages hereinafter set forth.

NEGLIGENCE

9. Plaintiff alleges that the attendant, an agent, servant, and/or employee of defendant Anakeesta, secured the seatbelt around the plaintiff and allowed her to proceed down the mountain at which point, the seatbelt came loose throwing her off.

10. Plaintiff alleges that defendant Anakeesta through its agent, servant, and/or employee failed to properly secure the seat belt prior to the plaintiff leaving the top of the mountain resulting in the crash.

11. Plaintiff further alleges defendant Anakeesta was negligent in the design, construction, and maintenance of the seat belt system on the Mountain Coaster rail runner which combined with gross negligence to cause the plaintiff's injuries.

12. Plaintiff alleges that the Mountain Coaster was defectively designed in that there were inadequate warnings.

13. Plaintiff further alleges that the design and operation of the Mountain Coaster rail runner ride was under the exclusive control of defendant Anakeesta and defendant is therefore liable for its defective condition on the day of the accident.

14. Plaintiff alleges the coaster was defective and/or unreasonable dangerous in violation of Tenn. Code Ann. § 29-28-10, et seq.

STRICT LIABILITY

15. Plaintiff alleges that defendants Anakeesta, LLC and Safe-Strap Company, Inc. are liable under the Tennessee Products Liability Statute, Tenn. Code Ann. § 29-28-10, et seq. in that the seat belt system on the rail runner on which plaintiff was seated was defective and/or unreasonably dangerous at the time it was sold and installed in that it failed the consumer expectations test when the seat belt came loose allowing the plaintiff to be thrown off the rail runner and onto the mountain.

16. Plaintiff alleges that the combination of the fault of Anakeesta with regard to negligence and defective condition and the fault of Safe-Strap with regard to its defective equipment combined to cause plaintiff serious personal injuries as set out below.

17. Plaintiff alleges that as a result of the incident on October 6, 2018, she was immediately transported from the scene to LeConte Medical Center and then to the University of Tennessee Trauma Center in Knoxville, Tennessee, with serious injuries including a rotator cuff tear, cuts, contusions to her shoulder, injuries to the nerves and soft tissues in her back and neck, lacerations and bruises to her head and face, bruising to her left hip and thigh, all of which required hospitalization, medical treatment both past and future.

18. Plaintiff alleges that the aforesaid injuries are permanent in their nature, and in her capacity to earn a living and enjoy life. Plaintiff alleges that she will incur future medical expenses, loss of time from work including the ability to perform her regular job, pain and suffering, past and future.

19. Plaintiff further alleges that this cause of action was first filed on August 1, 2019.

20. Plaintiff further alleges that an amended complaint was filed on August 6, 2019 and a second amended complaint was filed on September 26, 2019.

21. Plaintiff further alleges that the case was voluntarily dismissed by the Court on December 20, 2021, with a right to refile within one year.

WHEREFORE plaintiff demands judgment against the defendants each of them in the sum of Two Million, Five Hundred Thousand and No/100 Dollars (\$2,500,000.00) in damages and demands a jury to try this cause.

GILREATH & ASSOCIATES, PLLC

By: s/Sidney W. Gilreath
Sidney W. Gilreath, Esq. BPR#002000
Cary L. Bauer, Esq. BPR#019735
550 Main Avenue, Suite 600
P.O. Box 1270
Knoxville, TN 37901-1270
(865) 637-2442
(865) 971-4116 fax
gilknnox@sidgilreath.com
clbauer@sidgilreath.com